

ITEM NO.11 Court 5 (Video Conferencing) SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 13608/2017

(Arising out of impugned final judgment and order dated 28-02-2017 in WC No. 16271/2016 passed by the High Court Of Judicature At Allahabad)

UNIWORLD CITY- UNI HOMES PLOTS SECTOR
MU, PLOTS BUYERS ASSOCIATION (R) & ANR. Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS. Respondent(s)

(IA No. 159549/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 134561/2018 - INTERVENTION APPLICATION
IA No. 81086/2019 - INTERVENTION APPLICATION
IA No. 3336/2019 - INTERVENTION/IMPLEADMENT
IA No. 85370/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

WITH
SLP(C) No. 15759/2017 (XI)

IA No. 1/2017 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))
W.P.(C) No. 1134/2017 (X)

IA No. 123350/2017 - EXEMPTION FROM FILING O.T.
IA No. 96322/2018 - MISCELLANEOUS APPLICATION IN RESPONDE TO
COUNTER AFFIDAVIT
IA No. 123352/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 06-04-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Petitioner-in-person

Mr. Shirish Kumar Mishra, Adv.
Mr. K.P. Singh, Adv.
Mr. Anil Kumar, Adv.
Mr. Kamal Mohan Gupta, AOR

Mr. Shrish Kumar Mishra, Adv.
Mr. K.P. Singh, Adv.

Mr. Anil Kumar, Adv.

For Respondent(s)

Mr. N. Venkataraman, ASG

Ms. Anubha Agrawal, AOR

Mr. Pawanshree Agrawal, AOR

Ms. Abhipsa Anamika, Adv.

Mr. Ravindra Kumar, AOR

Mr. Anuvrat Sharma, AOR

Mr. Jitendra Tripathi, Adv.

Ms. Alka Sinha, Adv.

Mr. Bharat Bhushan, AOR

Ms. Poonam Sanwal, Party-in-Person

UPON hearing the counsel the Court made the following
O R D E R

SLP(C) Nos. 13608 & 15759 of 2017

Permission to file Special Leave Petition(s) is granted.

These Special Leave Petitions emanate from the decisions dated 28.02.2017 and 08.03.2017 of the High Court of judicature at Allahabad in Writ-C No. 16271 of 2016 and Writ-C No. 10301 of 2017 respectively, whereby challenge to the order passed by the Chief Executive Officer of Greater Noida Industrial Development Authority¹ dated 18.11.2015 terminating the lease deed executed in respect of 100 acres of land in Greater Noida in favour of M/s. Unitech Limited came to be rejected.

¹ For short "the Authority"

Learned counsel appearing for the petitioners as well as learned Amicus Curiae, in all fairness, accept that challenge to the said (impugned) order does not survive for consideration. What remains to be adjudicated is only about the manner in which the amount deposited by the Authority in this Court pursuant to the orders passed on 10.09.2018 and 18.09.2018 needs to be disbursed, as recorded in the order dated 25.09.2018. Besides, the issue regarding the liability of the Authority to pay further amount towards interest has also been kept open by this Court in terms of order dated 25.09.2018.

The issues kept open in the previous orders including any other claim setup by the applicants in the intervention application filed in the present Special Leave Petitions, will have to be considered in pending proceedings being Civil Appeal No. 10856 of 2016 - regarding the finalization of resolution plan qua M/s. Unitech Limited. In other words, issues regarding quantum of interest and the amount to be paid by Authority, if any, has been kept open.

In light of the above, nothing survives for consideration in the present Special Leave Petitions. Hence, the same are disposed of with liberty to the

parties, including the intervenors to pursue other reliefs (other than challenge to the order dated 18.11.2015 passed by the Chief Executive Officer of the Authority which is the subject matter of challenge in the present Special Leave Petitions). All contentions available to the parties in that regard, as aforesaid, are left open, to be considered in appropriate proceedings.

The amount lying deposited in the present Special Leave Petitions shall stand transferred to the account of Civil Appeal No. 10856 of 2016 along with accrued interest thereon.

Special Leave Petitions and all other interim applications are disposed of with liberty to the applicant(s) to file formal application in the pending Civil Appeal for appropriate reliefs, as may be advised.

W.P. (C) No. 1134 of 2017

This Writ Petition is filed under Article 32 of the Constitution of India to issue direction to the Greater Noida Industrial Development Authority² to hand over possession of individual plots to petitioner as part of 352 individual plot buyers in plot No. GH-01, Sector MU,

² For short "the Authority"

Greater Noida. Notably, the lease in favour of M/s. Unitech Limited in respect of said plot stands cancelled in terms of order dated 18.11.2015 passed by the Chief Executive Officer of the Authority. That decision has attained finality with the rejection of SLP(C) Nos. 13608 & 15759 of 2017 today by a separate order.

In absence of a valid lease, it is not open to the petitioner to pursue relief(s) as claimed in the present Writ Petition. The petitioner(s) and similarly placed persons are claiming through M/s. Unitech Limited and, in particular, the subject land allotted in favour of M/s. Unitech Limited by the Authority which, as aforesaid, stands cancelled/terminated vide order dated 18.11.2015 passed by the Chief Executive Officer of the Authority. Thus understood, nothing survives for consideration in this writ petition. The writ petition is disposed of accordingly.

We make it clear that disposal of this writ petition will not come in the way of the writ-petitioner(s) to pursue such other appropriate remedy, as may be permissible in law against M/s. Unitech Limited, including for damages for the loss suffered on account of

non-delivery of possession of the plot in respect of which agreement was executed with the petitioner(s).

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(PRADEEP KUMAR)
COURT MASTER (NSH)